

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1593.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Steve Starbuck</b>
<b>DATE OF COMPLAINT:</b>	<b>July 3, 2000</b>
<b>DATE OF REPORT:</b>	<b>July 28, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>October 13, 2000</b>

**COMPLAINT ISSUES:**

Whether the Portage Township Schools and the Porter County Education Interlocal violated:

34 CFR 300.347(a)(7) with regard to the school's alleged failure to include in the student's individualized education program (IEP) a statement of how the student's progress toward annual goals will be measured and how the student's parent will be informed of the student's progress made toward the annual goals.

During the course of the investigation, an additional issue was identified, which is:

511 IAC 7-12-2(a)(3) with regard to the school's alleged failure to include in the IEP the reason the student is not receiving educational instruction at the student's home school.

**FINDINGS OF FACT:**

1. The student is twelve years old and will be attending the sixth grade this fall. The student has been determined eligible for special education due to autism and a communication disorder.
2. The student's most recent IEP was written on May 30, 2000. The IEP has annual goals written for the following areas: reading, written language, math, vocational skills, personal management, communication, and motor skills. None of the seven forms utilized to record the annual goals includes a statement as to how the parent will be informed of the student's progress towards achieving these goals. The forms do include a statement as to how the student's progress towards annual goals will be measured.
3. The first page of the IEP dated May 30, 2000, lists one school as the school the student is presently attending and another school as the student's home school. Page 44 of the IEP states the student will be transported to other than his home school. The parent states the student is not attending his home school because his home school does not have an educational program that would meet the student's special educational needs. There is no statement in the IEP which explains the reason the student is not receiving educational instruction at his home school.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates the school did not include in the student's IEP a statement of how the

parent will be informed of the student's progress towards annual goals. Therefore, a violation of 34 CFR 300.347(a)(7) is found.

2. Finding of Fact #3 reflects the school failed to include in the student's IEP a statement which explains the reason the student is not receiving educational instruction at his home school. Therefore, a violation of 511 IAC 7-12-2(a)(3) is found.

**The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Portage Township Schools and the Porter County Education Interlocal shall:

1. In-service all appropriate personnel as to the requirements as specified in 511 IAC 7-27-6(a)(7) and 511 IAC 7-27-9(a)(3). Submit documentation to the Division that the in-service training has been completed no later than September 22, 2000, as required by Complaint Investigation Reports 1589.00 and 1591.00. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Develop a written policy that specifies the CCC will determine how and when parents will be informed of a student's progress made towards annual goals. The policy should include that parents will be informed at least as often as parents are informed of their nondisabled student's progress, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the twelve month period. Submit a copy of the policy to the Division no later than August 11, 2000, as required by Complaint Investigation Reports #1585.00, #1589.00, and #1591.00.
3. Mail a letter to the parents of all students receiving special education in the school district informing them that the CCC determines how and when parents are informed of a student's progress made towards achieving annual goals. The letter should offer the parent the option to convene a CCC meeting to discuss and determine how and when the parent will be informed of the student's progress made towards achieving annual goals. The letter should include a statement indicating that if the parent does not wish to convene a CCC meeting to discuss this one issue, that the issue will be addressed at the next regularly scheduled CCC meeting. List in the letter a deadline no less than three weeks from the date the letter is mailed for the parent to respond to the option of convening a CCC meeting. The letter should specify who the parent should contact to schedule a CCC meeting and how this individual can be reached. Submit a copy of the letter to the Division no later than August 11, 2000, as required by Complaint Investigation Reports #1585.00, #1589.00, and #1591.00.
4. Reconvene a CCC meeting to amend the current IEP to document:
  - a. how the student's parents will be regularly notified of the student's progress toward the annual goals and whether that progress is sufficient for the student to achieve the goal by the end of the year; and
  - b. why the student is not attending his home school. Submit a copy of the IEP and the Multi-disciplinary Case Conference Report to the Division no later than September 22, 2000

DATE REPORT COMPLETED: July 28, 2000